

AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S.S.N. 10/754,456
Attorney Docket No. 13139-0104 (13721.105006)

REMARKS

After entry of the amendments, Claims 1-4, 7, 13-18, and 22--32, and 34-42 are pending. Claims 1, 32, 34, 38 and 39 have been amended. Claims 5, 6, 8-12, 19-21, and 33 have been canceled.

No new matter has been added as a result of these amendments.

Claim Rejoinder

Applicants would like to thank the Examiner for rejoining claims of Group II and his helpful suggestions to address the present claim rejections.

Claim Objections

Claim 1 is objected to because the Examiner believes a paragraph break should be placed before the term "wherein the immunity..." and because there is a surplusage "and" at line 7. Applicant has amended the claim to address these objections and would like to thank the Examiner for his helpful suggestions. Withdrawal of this objection is respectfully requested.

Claim 32 is objected to for having both a comma and a period after the term "target". Also because the Examiner asserts the "wherein" clause is positioned so that the phrase is clumsy. Applicant has amended the claim to address these objections and would like to thank the Examiner for his helpful suggestions. Withdrawal of this objection is respectfully requested.

Double Patenting

The Examiner has provisionally rejected Claims 1, 4, 7, 13-18, 22-29, 31-32, and 35-42 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 7-9, 11, 19-21, 24-25, 28 and 30-38 of co-pending U.S. Patent Application No.

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11/606,564 (hereinafter '564). Applicant encloses with this Response a Terminal Disclaimer to address this rejection. Withdrawal of this rejection is respectfully requested.

Claim Rejection under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 23 and 25-26 under 35 U.S.C. §112, second paragraph, for being indefinite. Applicant respectfully traverses the rejection as it applies to the amended claims.

Claims 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because Claim 23 depends from claim 1 and the term "pre-existing immunity" lacks antecedent basis. Claim 23 has been amended to recite the term "pre-existing immune response component" which has antecedent basis. Withdrawal of this rejection is respectfully requested.

Claims 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite because Claims 25 and 26 both fail to state whether the binding site or sites refer to the "first" or to the "second binding site" of base claim 1. Claim 25 has been amended to recite "...more than one second binding site...". Claim 26 has been amended to depend from claim 25 and to recite "...the more than one second binding sites...". Withdrawal of this rejection is respectfully requested.

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CONCLUSION

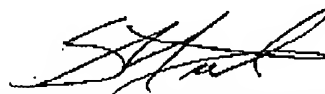
Applicant submits the foregoing as a full and complete response to the Office Action mailed on June 22, 2009. Applicant respectfully submits that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully requested.

No additional fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, the Applicant hereby authorizes the Commissioner to charge such fees and credit any overpayment to Deposit Account No. 11-0980.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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